



NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Attorney Docket No.: SCRIP1100
In re Application of: Matthias G. von Herrath		
Application No: 09/336,672		Filed: June 17, 1999
For: COMPOSITIONS AND METHODS FOR THE TREATMENT OR PREVENTION OF AUTOIMMUNE DIABETES (As Amended)		
Group Art Unit: 1636		Examiner: William O. Sandals

Applicants hereby appeal to the Board of Appeals from the decision mailed  
December 31, 2002 of the Examiner rejecting claims 40, 41, 45, 46, 54, 55, 58-63, and 66-83.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	X	small entity	\$160.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.						
X	Extension Fee (37 C.F.R. 1.17(a))							
	other than small entity							
		\$110.00		\$410.00		\$930.00		\$1,450.00
X	small entity							
		\$55.00		\$205.00	X	\$465.00 (\$465.00 minus \$205.00 PAID with our response filed 5/30/03, which equals \$260.00).		\$725.00

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Application No.: 09/336,672  
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3.	X	Enclosed is Check No. <u>539471</u> in the total amount of \$420.00; which consists of \$160.00 for the Notice of Appeal fee and \$260.00 for the Three (3) Month Extension of Time fee (\$465.00 minus \$205.00 PAID with our response filed 5/30/03, which equals \$260.00). The Commissioner is hereby authorized to charge for any additional fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.
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June 25, 2003  
Date

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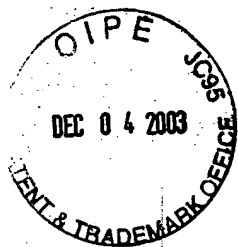
**USPTO CUSTOMER NUMBER 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date June 25, 2003, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Cecilia Tobin  
(Name of person mailing paper)

Cecilia Tobin  
(Signature)



**PATENT ATTORNEY DOCKET NO.: SCRIP1100**

The Patent and Trademark Office date stamp sets forth the receipt date of:

**Applicant or Patentee:** Matthias G. von Herrath

**Filing or Issue Date:** June 17, 1999

**Serial No.:** 09/336,672

**Title:** COMPOSITIONS AND METHODS FOR THE TREATMENT OR PREVENTION OF AUTOIMMUNE DIABETES (As Amended)

- Transmittal Letter (2 pgs-in dupl)
- Response to FINOA mailed 12/31/02 (15 pgs)
- Petition for Two (2) Months Ext of Time (2 pgs-in dupl)
- Check No. 537867 for \$345.00
- Return Receipt Postcard

**Atty/Sec Initials:** LAH/JML:ct

**Client Name:** 740166-156378

**Date Mailed:** 5/30/03

**Date Due:** 5/31/03

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